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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/684,933	10/14/2003		Juan Singla Casasayas	932.1249	6390
21831	7590	10/20/2005		EXAMINER	
		SKIN, P.C.	NELSON JR, MILTON		
1140 AVENUE OF THE AMERICAS, 15th FLOOR NEW YORK, NY 10036-5803			ART UNIT	PAPER NUMBER	
	-,			3636	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	10/684,933	CASASAYAS, JUAN SINGLA				
Office Action Summary	Examiner	Art Unit				
`	Milton Nelson, Jr.	3636				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 08 Au	iaust 2005.					
· · · · _ · · · ·	action is non-final.					
· <u> </u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
* * * * * * * * * * * * * * * * * * * *	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1,2 and 4 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
<u> </u>						
6)⊠ Claim(s) <u>1, 2 and 4</u> is/are rejected. 7)□ Claim(s) is/are objected to.						
	election requirement					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	nriority under 35 U.S.C. & 110(a)	-(d) or (f)				
a) All b) Some * c) None of:	priority under 33 0.0.0. § 1 19(a)	-(d) or (i).				
1. Certified copies of the priority documents	have been received					
Certified copies of the priority documents Certified copies of the priority documents		on No				
3. Copies of the certified copies of the prior						
application from the International Bureau	*	d in this National Stage				
* •	, ,,	d				
* See the attached detailed Office action for a list of the certified copies not received.						
•						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)						
Paper No(s)/Mail Date	6) Other:	, ,				

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bidare (6467847). Note the armrest (10), substantially horizontal position (32), substantially vertical position (70), wherein the armrest does not protrude frontally from the backrest (see Figure 2), curved trajectory (note pivotal movement, as shown in Figure 2), curved configuration (note that each end of the armrest is arcuate, as shown in Figure 2), and guide (98, wherein member 30 rotatably slides upon this member).

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman (3807799). Note the armrest (19), substantially horizontal position (A), and substantially vertical position (C), wherein the armrest does not protrude frontally from the backrest (see Figure 1), curved trajectory (note pivotal movement, as shown in

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Figure 1), curved configuration (note that each end of the armrest is arcuate, as shown in Figure 2), and guide (26 or 27).

Response to Amendment/Arguments

Applicant's response filed August 8, 2005 has been fully considered. Remaining issues are described above. Applicant's amendment has overcome the rejection under 35 USC 112, second paragraph. Applicant's arguments regarding application of Bidare and Freedman to the claims under 35 USC 102(b) are not persuasive. Applicant argues that Bidare does not teach an armrest having a curved configuration and that Bidare teaches an armrest with a straight configuration. It can be seen in any of the figures of Bidare that a curved configuration is provided. Note the various curved sections, as shown. Applicant argues that Freedman does not teach that the armrest has a curved configuration. Each of Figures 1 and 2 of Freedman show an armrest with a curved configuration. Note the various curved sections. Applicant additionally argues that Freedman does not describe a downward trajectory because first the armrest must describe a rearward trajectory. Such fails to negate the explicitly shown downward trajectory of the armrest in moving from the horizontal position to the vertical position (C). All remaining rejections are proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Milton Nelson, Jr. Primary Examiner

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October 18, 2005